

SHORT SALE GUIDE

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1 **DATE:** _____

2 A short sale may occur when the Seller's net sale proceeds after payment of customary closing costs from the
3 sale of real property do not cover all outstanding mortgage loan(s), tax liens, and/or all other lien balance(s)
4 (hereafter "Lien Holder(s)") in full at closing.

5 The risks and ramifications of a short sale cannot be predicted and will depend upon the unique circumstances
6 of each Seller(s), Lien Holder(s), Buyer(s) and the proposed sale. The information below contains possible
7 obstacles Seller(s) and Buyer(s) should consider during the short sale process.

8 **SELLER'S CONSIDERATIONS:** Seller(s) is encouraged to contact their Lien Holder(s) to discuss the
9 possibility of a short sale and to thoroughly understand the process as soon as the Seller(s) is aware of their
10 need or desire to consider one. The Seller(s) should be aware of the following:

- 11 • Seller(s) and their Agent(s) must disclose the existence of a short sale to prospective buyers.
- 12 • Short sale approvals from Lien Holder(s) may be time-consuming, may delay closing, and may not be
- 13 accomplished within expected timelines. If Seller(s) has approval for a short sale prior to marketing
- 14 the Property or accepting an offer, the parties of the sale may have the potential for less delays.
- 15 • The approval of a short sale is never guaranteed.
- 16 • Failure to obtain approval from all Lien Holder(s) may prevent any sale from closing.
- 17 • Lien Holder(s) may require disclosure of personal assets and financial records, including copies of tax
- 18 returns, to determine approval of short sale.
- 19 • A short sale may require Seller(s) to pay some or all of the amounts owed after closing.
- 20 • Seller's credit will be impacted as a result of a short sale transaction.
- 21 • Seller(s) may incur tax consequences as a result of short sale.

22 **BUYER'S CONSIDERATIONS:** Buyer(s) should consider the time and patience that may be required in
23 the short sale process. Delays in the short sale process will depend on the Seller's circumstances and the
24 cooperation of the Seller's Lien Holders. The Buyer(s) should be aware of the following:

- 25 • Seller(s) must disclose the existence of a short sale to a Buyer(s) immediately when known.
- 26 • Buyer(s) should obtain financing approval before making an offer on a short sale Property and inform
- 27 their lender of their desire to purchase a short sale Property.
- 28 • Purchasing a short sale Property does not necessarily mean the Buyer(s) is getting a great value. Even
- 29 if a Seller(s) is willing to negotiate a lower offer, the Lien Holder(s) may not accept the offer.
- 30 • An offer will be subject to the approval of the Lien Holder(s) and this time period may be lengthy and
- 31 some Lien Holder(s) may not respond at all resulting in the Buyer's offer not being accepted.
- 32 • There is no guarantee of approval of a negotiated offer from a Lien Holder(s).
- 33 • Lien Holder(s) may require the Seller(s) to continue actively marketing the Property to other
- 34 prospective buyers while the parties are awaiting approval of the negotiated offer. During this time,
- 35 the Seller(s) may accept additional offers and forward those offers to the Lien Holder(s) for review and
- 36 approval. This process may result in the Seller's cancellation of Buyer's offer.
- 37 • Foreclosure proceedings, if finalized, will terminate the PURCHASE AGREEMENT.
- 38 • It is unlikely that Seller(s) and/or Lien Holder(s) are willing to fund repairs to the Property. Buyer(s)
- 39 should consider their resources and ability to finance the Property accordingly.

Initials _____

CONSULT APPROPRIATE ADVISORS: Seller(s) should be aware there are possible alternatives to a short sale. Seller(s) must determine whether or not a short sale is appropriate by consulting with tax, financial and legal advisors. There are also non-profit organizations available for consultation about alternatives. Seller(s) and Buyer(s) acknowledge that Broker(s) and Agent(s) are retained solely as real estate agent(s) and are not able to offer such legal, financial, or tax advice, and have not made any representations or warranties about the outcome of a short sale transaction.

By signing below, you acknowledge that you have read, understand, and received a copy of this Short Sale Guide.

Signature

Date

Signature

Date

EXAMPLE